

# FARMINGTON POLICE DEPARTMENT

## POLICY AND PROCEDURE



**Policy Number:**  
261-14

**Effective Date:**  
03/27/2017

**Subject:**  
**Forcible Stopping of Motor Vehicles**

**Approved by:**

A handwritten signature in black ink, appearing to read "S.D. Hebbe".

**Steven D. Hebbe, Chief of Police**



### PURPOSE:

To establish guidelines pertaining to the forcible stopping of motor vehicles.

### POLICY:

It is the policy of the Farmington Police Department to utilize methods such as observation points, tire deflation devices, and, under limited circumstances, the ramming of motor vehicles, roadblocks, or firing a firearm at motor vehicles to apprehend serious, dangerous subjects who attempt to flee, and who, if allowed to escape, create a substantial risk of another person being seriously injured or killed. The use of methods such as the forcible ramming of a vehicle, solid object roadblocks, or the firing of weapons at a moving vehicle, by their very nature, are likely to result in the potential death or serious injury of those involved, or of those who are uninvolved but may be nearby, and, as such, are to be considered or undertaken only under situations where the known imminent threats or dangers are such that the use of lethal force is warranted and such use outweighs the hazards to those uninvolved in the situation. An example of such a situation is a vehicle transporting explosives toward a crowded public facility and the occupants' intent is to detonate the explosives at the location.

### PROCEDURE:

#### Definitions:

**Imminent Jeopardy or Imminent Danger:** This term means an immediate danger which must be met, which cannot be guarded against by calling for the assistance of another, or through the protection of the law. The immediate perception of a threatened or impending injury which would cause a reasonable and prudent person to instantly raise their defense against such jeopardy or danger.

**Observation Point:** An observation point is a pre-determined location where an officer has the ability to observe and, if appropriate, document license plates and descriptions of vehicles and occupants who are driving through a given location. Observation points generally are set up at primary entry and exit locations around the city limits when a serious crime has occurred and there is reason to believe the suspect(s) may either enter or exit the city limits via one of the primary roadways.

**Tire Deflation Devices:** A manufactured device that utilizes hollow spikes to puncture a vehicle's tires. These may be stop-sticks or collapsible stinger spikes. These devices should be used as intended by the manufacturer.

**Ramming of a Motor Vehicle:** The use of a Department owned vehicle to collide with the suspect vehicle in an attempt to slow or stop the vehicle from fleeing.

**Firing a Firearm at a Motor Vehicle:** The use of a firearm to attempt to stop or slow down a vehicle.

**Roadblock:** A roadblock is any solid object that is placed in the roadway or in the vehicle's path with the intention of stopping or slowing that vehicle. Types of roadblocks include solid barricades, or other vehicles.

**Use of Observation Points:**

An observation point should go into effect when requested by any law enforcement agency, with the approval of the shift supervisor. In the event an observation point has been declared, the officers situate themselves in a manner so as not to obstruct traffic or create a hazard, but where all traffic can be viewed. If the suspect should pass the point, the officer will call for assistance and initiate felony stop procedures when appropriate.

When an observation point is established, the apprehension of the fleeing suspect is secondary to the safety of the officers and the motoring public.

The primary officer at the scene of an incident determines the need to request the use of observation points from the Supervisor. If the suspect or suspects have fled, the first primary officer on the scene broadcasts the descriptions of the suspect, vehicles, weapons, and direction of travel, if known. If available, a description of any evidence that might link the suspects to the crime should also be broadcast.

Only supervisors have the authority to put an observation plan into effect. Manpower limitations restrict the points assigned to those which would probably be utilized by subjects fleeing. Community Service Officers WILL NOT be assigned to the observation points.

Many factors must be considered, including the number of officers available for assignment to the observation point. The decision to activate an observation point plan should be based on:

1. The seriousness of the crime;
2. Sufficient information and descriptions of wanted persons and vehicles;
3. The elapsed time between the criminal act and its discovery.

In the event of a requested observation point plan, officers should report to the below listed locations:

1. US64 and Troy King Road;
2. La Plata Highway and Pinion Hills Blvd.;
3. Highway 371 (Bisti) and Murray Drive;
4. East City Limits on US550 at the turn off to the Old Aztec Highway;
5. Browning Parkway and US64 east to Bloomfield;
6. Browning Parkway and Wildflower Drive;
7. Browning Parkway and Southside River Road north of Browning.

The planned observation points are listed as 1, 2, 3, 4, 5, 6, and 7 above. Observation points are referred to by their number designation or plainly spoken intersection during radio transmissions. If the suspect is believed to be in possession of a scanner or have access to Police radio channels, locations should be broadcast using their number location only. Units respond to a designated number location as directed for observation purposes. Where possible to safely do so, officers dispatched to an observation point are encouraged to position their vehicle in such a place that the vehicle's in-car camera system records vehicular and pedestrian traffic traveling through the observation point so as to make a permanent record available for investigators.

The use of Roadblocks and other approved tire deflation devices may be deployed at these locations when authorized by a Supervisor and if it is safe to do so with minimal risk to Officers and civilians.

Vehicles are not stopped at observation points unless reasonable suspicion exists to stop a particular vehicle. Officers assigned to an observation point must remember their primary purpose at the location and should refrain from initiating law enforcement contact with vehicles or pedestrians uninvolved with the original incident as opposed to becoming distracted from their primary assignment by attempting to become involved in on-view traffic violations or similar crimes of lesser urgency.

Observation points are not considered a use of force by law enforcement.

### **Tire Deflation Devices:**

Tire deflation devices are designed to slow the momentum of a fleeing vehicle by puncturing the tires and allowing air to escape, or puncture the tires of a vehicle as it attempts to flee. Whether moving or not, the intention is to slow the vehicle and therefore lower the speeds of a pursuit.

If the pursuing officer or a supervisor has reason to believe that the continued movement of the pursued vehicle will place the drivers and/or others in imminent danger of serious bodily harm or death, assisting units may utilize approved tire deflation devices in order to stop the suspect vehicle.

Tire deflation devices are intended to be used on vehicles engaged in a pursuit which is in accordance with Department policy. Therefore, the use of tire deflation devices should be used in accordance with the parameters outlined in [Policy #241-03, Motor Vehicle Pursuit](#).

If the vehicle is not in motion, officers may use tire deflation devices during a situation to prevent a vehicle from becoming mobile.

1. Reasonable suspicion exists to believe the suspect has committed or is committing an offense justifying arrest, or, there is an immediate need to ensure the safety of another (such as in the case of a suicidal subject);
2. The suspect has the ability to become mobile. (Such as during a traffic stop with a suicidal subject or an armed subject with access to a vehicle, etc.)
3. Failure to prevent the suspect vehicle from fleeing may result in placing others in imminent jeopardy.

### **Considerations:**

Officers involved in using tire deflation devices should consider the following prior to utilizing this equipment:

1. Officers should have received training on the use of the tire deflation devices either through intra-departmental, in-service, or Academy training;
2. The most effective location for the placement of tire deflation devices is selected as follows:
  - a. Officers should have enough time to get to the location and set up the tire deflations devices before the suspect vehicle reaches their location;
  - b. Deployment locations should have reasonably good sight distances to enable the person deploying the tire deflation device to observe the pursuit and other traffic as it approaches;
  - c. The person deploying the tire deflation devices should choose a location with natural barriers and cover such as guardrails or shrubbery. These barriers conceal the person from view and allow for relatively safe deployment of the tire deflation devices;
  - d. Traffic, construction, special events and/or other similar circumstances may create situations where the use of tire deflation devices would be inappropriate;
  - e. Weather conditions and the time of day should be considered prior to deployment.

Tire deflation devices should not be deployed to stop the following vehicles, unless continued movement of the pursued vehicles would result in an extreme increased hazard to others:

1. Any vehicle transporting hazardous materials;
2. Any passenger bus transporting passengers;
3. Any school bus transporting students;
4. Any vehicle that would pose an unusual hazard to innocent parties;
5. Any two-wheel vehicles.

#### **Deployment:**

Tire deflation device deployment plans shall include provisions for close coordination between pursuing units and the person deploying the tire deflation devices.

1. When the decision is made to deploy the tire deflation devices, pursuing units will notify the person deploying the tire deflation devices as far in advance as possible, of the necessity of their use;
2. The person deploying the tire deflation devices shall be in position at a predetermined location in sufficient time for proper deployment. All pursuing units should be notified when the tire deflation devices are in place;
3. Manufacturer recommendations for the deployment of the tire deflation devices should be considered when time and distance permit;
4. After deploying the tire deflation devices, personnel at the scene should immediately seek protection from vehicular traffic, debris, or other hazards and remain vigilant for any additional hazards;

5. The person deploying the tire deflation devices is responsible for securing them immediately after their use. This will include searching the immediate area where the tire deflation devices were used and collecting any tire deflation device which may have become detached, as well as properly maintaining, preparing for reuse, and storing the tire deflation devices.

The use of tire deflation devices to stop or slow a motor vehicle is considered a use of force by law enforcement and will be reported through the use of a Response to Aggression reporting system.

### **Ramming of Motor Vehicles:**

The use of a Police Vehicle to ram a moving or non-moving vehicle has to be taken with great consideration. Utilizing a motor vehicle to try and stop or slow another motor vehicle can cause serious bodily harm and even death. For those reasons, Officers should only ram another vehicle when their lives or the lives of others are at imminent risk. If time allows, authorization from the on duty Supervisor should be obtained prior to any ramming technique being deployed.

If there is reason to believe that the continued movement of the pursued vehicle will place the drivers and/or others in immediate danger of serious bodily harm or death, officers may reasonably ram a motor vehicle in order to stop or prevent the suspect vehicle from continuing actions posing the threat of serious bodily harm or death.

Officers should take the following criteria into account prior to attempting to ram another vehicle;

1. **Criminal Activity-** The crime committed by the offender should be of the serious and violent nature; Armed robbery, Aggravated battery with a deadly weapon, Aggravated Assault with the motor vehicle etc. Where the crime is a possible DWI, the officer must be able to advise the extreme and on-going threat to the public. The necessity to stop the vehicle by such extreme measures must be evident and reasonable.
2. **Speed-** Officers have to take into account the speeds of their motor vehicle and the vehicle to be rammed. It is understood, the higher the speed of the vehicles, the greater likelihood of significant injuries when the vehicles collide or lose control of their direction. It is recommended that officers attempt ramming techniques at speeds **no greater than 35 miles per hour**. This does not eliminate the possibility of ramming techniques at higher speeds, when there is an immediate threat to officers or the public.
3. **Location-** Officers should consider their location prior to attempting a ramming technique. They should look for areas of straight roadway, with soft shoulders, to initiate a ramming technique. Techniques should not be initiated on hills, downgrades, corners, or areas that are highly populated, unless there is an immediate threat to officers or the general public.
4. **Traffic-** Officers must consider other motor vehicles on the roadway at the time of ramming a motor vehicle. Officers should not place innocent bystanders or motorists at greater risk while deploying a ramming technique.
5. **Collision Points on Vehicles-** Officers should utilize their push bumpers or bumpers on their vehicles to make contact with the suspect vehicle. Likewise, officers should target bumpers on the suspect vehicle when attempting a ramming technique.

The ramming of motor vehicles is considered a use of force by law enforcement and falls under the use of Lethal/Deadly force. All incidences of ramming will be reported through the use of a Response to Aggression reporting system.

Nothing in this policy or procedure will prevent officers from blocking other vehicles that have come to a stop or which have not begun to move. Officers are not looking to make contact during a blocking technique, only preventing the avenue of escape for the suspect vehicle. Ideally, this should be completed by utilizing bumpers on the patrol vehicle.

### **Roadblocks:**

The placing of unmovable structures, barricades, and motor vehicles in the direct path of a fleeing vehicle will greatly increase the possibility of injury or death to the suspects, officers or civilians. Thus, they will only be authorized by a Supervisor when lethal force is the only option to stop a suspect's actions. These techniques should only be utilized in the direst of circumstances; (Homicides, Active shooters) or situations where the circumstances show an immediate and on-going threat to life.

### **Supervisor's Considerations:**

It is at the discretion of the Supervisor whether or not a roadblock will be deployed. Supervisors should consider:

1. **Criminal Activity-** Supervisors must be aware of the nature of crime committed prior to setting up a roadblock. The crime must be serious and violent in nature; i.e. Homicide. Active Shooter.
2. **Time-** Supervisors must consider the time it would take to set up a roadblock.
3. **Manpower-** There should be enough manpower to safely conduct a roadblock and set up a corridor for the suspect to enter.
4. **Location-** Roadblocks should be utilized in areas of low bystander populations. They should have good lines of sight and not be placed on a hill, curve, or downgrade.

Officers utilizing their patrol car in a roadblock will not be seated in the vehicle and will obtain cover and concealment so as to not be targeted by the suspect vehicle.

Officers of the Farmington Police Department are not trained in rolling roadblock techniques. They are highly discouraged and should not be utilized unless authorized by a Supervisor and other viable options have failed.

Roadblocks are considered a use of force by law enforcement and fall under the use of Lethal/Deadly force. Any roadblock will be reported through the use of a Response to Aggression reporting system.

### **Shooting at or from a Moving Vehicle:**

Officers of the Farmington Police Department are not trained to shoot a firearm from or at moving vehicles. This shall only be conducted if exigent circumstances exist and lethal force is justified. The considerations which should be undertaken for the use of firing at a motor vehicle are the same as with any other use of lethal force, such as the severity of the crime or the immediate threat of death or injury, the location, the suspect's ability and opportunity to cause great bodily harm or death, as well as the officer's abilities to respond to the situation, and are commensurate with the Policy 101-04, Response to Aggression. Officers should take into account that the disabling of the driver is the most reliable method of stopping a motor vehicle, rather than attempting to disable the mechanical operation of the vehicle's motor or elements of the drive train. As such, the lethal nature of such actions is obvious and cannot be disregarded by any officer considering such actions.

Firing a gun at a motor vehicle is considered a use of force by law enforcement and falls under the use of Lethal/Deadly force. All incidences of firing a gun at a motor vehicle will be reported through the Response to Aggression reporting system.

Copies of the reportable uses of force shall be forwarded to the Operations Deputy Chief, who will review and forward them, pursuant to the Incident Review Board policy and procedure, #101-07.

As in any Response to Aggression, officers will tend to the medical needs of suspects should they require medical attention.